

10-18-02

CPA/13736

PTO/SB/29 (10-00)

Approved for use through 10/31/2002. OMB 0651-0032

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# **CONTINUED PROSECUTION APPLICATION (CPA)** **REQUEST TRANSMITTAL**

Submit an original, and a duplicate for fee processing.

(Only for Continuation or Divisional applications under 37 CFR 1.53(d))

CHECK BOX, if applicable

☐ DUPLICATE

Address to:

**Assistant Commissioner for Patents**  
**Box CPA**  
**Washington, DC 20231**

Attorney Docket No.  
of Prior Application

990356.ORI

First Named Inventor

Stephen Nuss

Examiner Name

Pamela Wingood

Group Art Unit

3736

Express Mail Label No.

EV160775893US

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d),  
 (continued prosecution application (CPA)) of prior application number 09 / 760,136,  
 filed on 01/12/2001, entitled TITANIUM MOLYBDENUM ALLOY GUIDEWIRE

## **NOTES**

**FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either: (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 U.S.C. 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).

**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).

**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.

**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 U.S.C. 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.

**35 U.S.C. 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 U.S.C. 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).

**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☐ Enter the unentered amendment previously filed on \_\_\_\_\_ under 37 CFR 1.116 in the prior nonprovisional application.
- ☒ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
  - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:  
 \_\_\_\_\_
  - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed: | 10/21/2002 BABRAHA1 00000068 09760136
  - ☐ PTO-1449
  - ☐ Copies of IDS Citations

TECHNOLOGY CENTER R3700

10/21/2002 BABRAHA1 00000068 09760136

01 FC:2206

03 FC:2201

370.00 OP

54.00 OP

42.00 OP

(Page 1 of 2)

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box CPA, Washington, DC 20231.

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))		26 -20* =	6	x \$ 9 =	\$ 54
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))		4 -3** =	1	x \$ 42 =	42
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$ 140 =	0
				BASIC FEE (37 CFR 1.16)	740
				Total of above Calculations =	836
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					370
* Reissue claims in excess of 20 and over original patent. ** Reissue independent claims over original patent.				TOTAL =	466

6. ☒ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 08 - 1265:a. ☒ Fees required under 37 CFR 1.16.b. ☒ Fees required under 37 CFR 1.17.c. ☒ Fees required under 37 CFR 1.18.8. ☒ A check in the amount of \$ 466.00 is enclosed.9. ☐ Payment by credit card. Form PTO-2038 is attached.10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of \_\_\_\_\_ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.11. ☒ New Attorney Docket Number, if desired 990356.CON*[Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.]*12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)b. ☒ Return Receipt Postcard (Should be specifically itemized, See MPEP 503)13. ☒ Other: Cert. of Mailing Via Express Mail**NOTE:** *The prior application's correspondence address will carry over to this CPA UNLESS a new correspondence address is provided below.***14. NEW CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Label23595or ☐ New correspondence address below*(Insert Customer No. or Attach bar code label here)*

Name

Address

City

State

Zip Code

Country

Telephone

Fax

**15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED**

Name (Print IType)

Steven E. Kahm

Signature

Steven E. Kahm

Registration No. (Attorney/Agent)

30,860

Date

October 16, 2002



PATENT APPLICATION  
OUR FILE NO. 990356.ORI

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re App : Stephen Nuss : October 16, 2002  
Serial No. : 09/760,136 : Examiner Wingood  
Filed : January 12, 2001 : Art Unit 3736  
For : TITANIUM MOLYBDENUM ALLOY GUIDEWIRE

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**CERTIFICATE OF MAILING VIA EXPRESS MAILING**

The Commissioner of Patents and Trademarks  
Washington, D. C. 20231

**RECEIVED**

OCT 22 2002

Sir:

I hereby certify that the following:

TECHNOLOGY CENTER P3700

1. CPA Request Transmittal consisting of two (2) pages with duplicate;
2. A check in the amount of \$466.00 to cover the filing fees;
3. An Amendment consisting of five (5) pages;

all in connection with the above-identified patent application are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Box CPA, U.S. Patent and Trademark Office, Washington, D.C. 20231, under Express Mail Post Office to Addressee Label No. EV160775893US.

Respectfully submitted,

NIKOLAI & MERSEREAU, P.A.

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On behalf of Steven E. Kahm  
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Enclosures